IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27512 of 2005

Between:

Koduri Ranga Rao

..... PETITIONER

AND

Andhra Pradesh Eastern Power Distribution

Company Limited (APEPDCL)
rep by the Divisional Engineer, Nadavoll,

West Godavari Dist and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in issuing the notice dated 19.03.2005 and taking coercive action without considering the objections raised by the petitioners and without passing final orders, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner as well as to the learned standing counsel appearing for the respondents.

The petitioner submits that he is the Kartha of the undivided Hindu joint family, owning agricultural lands, admeasuring Ac.31.58 cents, situated in different survey numbers of Malla Varam village, Chagallu Mandal of West Godavari District, and obtained five electricity service connections for the purpose of cultivating the said lands through bore-wells. It is stated that the petitioner has got two sons and the said lands are divided among three members i.e. petitioner and his two sons. It is stated that an extent of Ac.12.71 cents and service connection Nos.190 and 143 was fallen towards the share of petitioner, an extent of Ac.8.91 ½ cents and service connection Nos.118 and 110 was fallen towards the share of one of his son by name Koduri Kasi Gangadhararao and an extent of Ac.9.96 cents and service connection No.438 was fallen towards the share of his another son by name Koduri Ganesh. It is further stated that a notice was given by the respondents on 19.03.2005 as to why the five service connections standing in the name of the petitioner cannot be dissolved for free electricity service, as an agriculturist is not entitled for free service connection if he has more than three connections. No doubt, no explanation has been submitted within the prescribed time i.e. within 20.03.2005 as stipulated in the impugned notice. However, it is stated that a detailed explanation has been filed on 30.07.2005 before the 1st respondent, bringing all facts to his notice that the lands, according to the partition, have been mutated in the names of respective sharers i.e. petitioner and his two sons and in support of his contention that the said lands have been partitioned among three members, pattadar pass books and title deeds have also

been filed, but the said representation/explanation has not been considered and disposed of by the respondents.

Having regard to the facts and circumstances of the case, the

1st respondent is directed to consider and dispose of the representation of the petitioner dated 30.07.2005, in accordance with law, after giving a reasonable opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Till then, no coercive steps shall be taken.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 26.12.2005

Dsr